

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

OCT 13 2009

Stephan Harris, Clerk
Cheyenne

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JERAMIE JOHN E. LARGE,

Petitioner,

vs.

Case No. 09-CV-214-J

PARK COUNTY DETENTION
CENTER ADMINISTRATOR; PARK
COUNTY DETENTION CENTER
SHERIFF; and PARK COUNTY
DETENTION CENTER STAFF,

Respondents.

ORDER DISMISSING HABEAS PETITION


The above-entitled matter comes before the Court upon a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Mr. Large asserts four grounds for relief. First, he challenges the diet served at the Park County Detention Center. Second, he asserts that he suffered psychological abuse while confined. Third, he challenges his right to access legal materials during confinement. Last, he asserts that staff at the Detention Center are ignoring federal laws. In sum, Mr. Large is challenging his conditions of confinement. After reviewing Mr. Large's petition, the Court finds that the petition should be dismissed.

Challenges to the fact of conviction or confinement or the duration of confinement are cognizable under the habeas statutes, *see Heck v. Humphrey*, 512 U.S. 477, 481 (1994), while 42 U.S.C. § 1983 actions are typically the proper vehicle for attacking unconstitutional conditions of confinement. *See Preiser v. Rodriguez*, 411 U.S. 475, 498-99 (1973); *Rhodes v. Hannigan*, 12 F.3d 989, 991 (10th Cir.1993); *Richards v. Bellmon*, 941 F.2d 1015, 1018 (10th Cir.1991). Because Mr. Large's petition unquestionably seeks to challenge conditions of confinement, it must be brought as a 42 U.S.C. § 1983 action. Accordingly, the Court finds that Mr. Large's petition should be dismissed without prejudice.

NOW, THEREFORE, IT IS HEREBY ORDERED that Mr. Large's petition is DISMISSED, without prejudice. It is

FURTHER ORDERED that all pending motions should be denied as moot.

Dated this 13th day of October, 2009.


ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE